

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

CHRISTOPHER LYLE JONES,

*

Petitioner,

*

vs.

*

JEANIE KASPER,

*

CASE NO. 4:22-cv-87-CDL-MSH

Respondent.

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O R D E R

After a de novo review of the record in this case, the Order and Recommendation filed by the United States Magistrate Judge on November 14, 2022 is hereby approved, adopted, and made the Order of the Court. The Court considered Petitioner's objections to the Order and Recommendation and finds that they lack merit. To the extent that Petitioner seeks to re-file his federal petition, he should make sure that he does so within the time required by law to avoid dismissal for untimeliness.

Denial of Certificate of Appealability

Rule 11(a) of Rules Governing Section 2254 Cases in the United States District Courts provides that "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." A certificate of appealability may issue only if the applicant makes "a substantial showing of

the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a court denies a habeas petition on procedural grounds without reaching the merits of the petitioner’s application for habeas relief, this standard requires a petitioner to demonstrate that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” See *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). Petitioner cannot meet this standard and, therefore, a certificate of appealability is denied.

IT IS SO ORDERED, this 20th day of January, 2023.

S/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA